

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	4:10CR3089
)	
v.)	
)	MEMORANDUM AND ORDER
REGINA LYNN LEONARD,)	
)	
Defendant.)	

Upon review of the evidence and arguments of the parties, the court finds the defendant violated the following term of her pretrial release:

Upon being admitted to its treatment program, defendant shall reside at St. Monica's, Lincoln, Nebraska at all times and shall abide by all of the rules of said facility.

However, the court further finds the defendant may have been unable to comply with this condition due to untreated or insufficiently addressed mental health issues. In other words, the court cannot find on the record currently before it that the defendant is culpable for the violation, and it is entirely possible St. Monica's was not an appropriate placement for defendant's mental, physical, and rehabilitative needs. The defendant is scheduled to be evaluated today by Mario J. Scalora, PhD. The court awaits this evaluation to determine if other suitable options for pretrial release may be available.

Until further information becomes available, the defendant will be detained. The clear and convincing evidence indicates the defendant poses a risk of again using drugs if she returns to a community setting which, in turn, poses a risk of harm to both the defendant and the public. Further, the court notes the defendant has appeared before me several times. Her level of agitation, and her ability to understand the nature of these proceedings and her own mental and physical state, appear to improve during her incarceration. Based on the current available information, a structured setting appears more conducive to her active and coherent participation in the defense of this case.

Accordingly,

IT IS ORDERED:

- 1) The defendant is detained.
- 2) A status conference regarding this case will be held in chambers on November 23, 2010 at 2:30 p.m. to discuss any release options which may be available. Counsel for the parties and a pretrial services officer shall attend.

DATED this 9th day of November, 2010.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge